

REMARKS

Claims 1-3, 5, 7-11, 13, 15, 17 and 19-21 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

Applicants gratefully acknowledge the Examiner's indication that claims 6, 14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Request For Reconsideration of the Finality of the Office Action

The present Office Action was made final. Respectfully, Applicants believe that a Final Office Action is premature in that claims 2, 9-13, 16-17, 19 and 20, were rejected under 35 U.S.C. 103(a) based on newly cited art, wherein these claims were not previously amended. A second or any subsequent action on the merits in any application should not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement of any claim not amended by applicant in spite of the fact that other claims may have been amended to require newly cited art. Claims 2, 9-13, 16-17, 19 and 20 have not been amended and were rejected in view of newly cited art, Imai et al., not submitted in an information disclosure statement. Therefore, Applicants respectfully request the Examiner's withdrawal of the finality of the present Office Action.

Response to Arguments

Claims 1 and 3 have been rejected under 35 U.S.C. 102(b) as being anticipated by Sundar et al. (U.S. Patent No. 6,198,976). The Examiner stated essentially that Sundar teaches all of the limitations of claims 1 and 3.

• Claim 1 claims, *inter alia*, “determining a position, relative to the circle of the foreign structure...”

Claim 1 has been amended to include essentially the limitations of claim 4 and allowable claim 6. Accordingly, claim 1 is believed to be in condition for allowance.

Claim 3 depends from claim 1. Claim 3 is believed to be allowable for at least the reasons given for claim 1. The Examiner’s reconsideration of the rejection is respectfully requested.

Claims 8, 9, 15 and 19-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar et al. in view of Imai et al. (U.S. Patent No. 5,502,311) and further in view of Yamagata (U.S. Patent No. 6,021,222). The Examiner stated essentially that the combined teachings of Sundar, Imai, and Yamagata teach or suggest all the limitations of claims 8, 9, 15 and 19-21.

Claim 8 claims, *inter alia*, “determining a position, relative to the circle of the foreign structure..” Claim 15 recites, *inter alia*, “computer readable program code for causing the computer to determine the position, relative to the circle of the foreign structure...”

Claim 8 has been amended to include the limitations of claim 12 and allowable claim 14. Therefore, claim 8 is believed to be patentable over the combined teachings of Sundar, Imai, and Yamagata.

Claim 15 has been amended to include the limitations of claim 16 and allowable claim 18. Accordingly, claim 15 is believed to be in condition for allowance.

Claims 9 and 19 depend from claim 8. Claim 20 depends from claim 15. Claim 21 depends from claim 1. The dependent claims are believed to be allowable for at least the reasons

given for the respective independent claims. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 2 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar, Imai, and Yamagata as applied to claims 1, 8, and 15, and further in view of Huber (U.S. Patent No. 4,523,188). The Examiner stated essentially that the combined teachings of Sundar, Imai, Yamagata and Huber teach or suggest all the limitations of claims 2 and 10.

Claims 2 and 10 depend from claims 1 and 8, respectively. The dependent claims are believed to be allowable for at least the reasons given for the independent claims.

Reconsideration of the rejection is respectfully requested.

Claims 4, 5, 12 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar, Imai, and Yamagata as applied to claims 1, 8, and 15, and further in view of Yamagata. The Examiner stated essentially that the combined teachings of Sundar, Imai, and Yamagata teach or suggest all the limitations of claims 4, 5, 12 and 13.

Claim 5 depends from claim 1. Claim 13 depends from claim 8. The dependent claims are believed to be allowable for at least the reasons given for the independent claims.

Reconsideration of the rejection is respectfully requested.

Claim 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar.

Claim 7 depends from claim 1. Claim 7 is believed to be allowable for at least the reasons given for claim 1. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 7 depends from claim 1. The dependent claim is believed to be allowable for at least the reasons given for claim 1. Reconsideration of the rejection is respectfully requested.

• Accordingly, claims 1-3, 5, 7-11, 13, 15, 17 and 19-21 are believed to be allowable for at least the reasons stated. The Examiner's reconsideration of the rejections is respectfully requested. For the forgoing reasons, the application is believed to be in condition for allowance. Early and favorable reconsideration is respectfully requested.

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